

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
NOVEMBER 11, 2021
7:00 P.M.**

A regular meeting of the Zoning Board of Appeals of the Town of Sullivan was convened at the Town Office Building by Chairman Steve Durfee at 7:10 P.M.

Those in attendance for the meeting were: Chairman Steve Durfee, Members Terry Manning, Bryan Bendixen, Clifford Reals, Michael Keville and Attorney for the Board Richard Andino.

Also present: Larry Ball, Building/Codes Inspector

PUBLIC HEARING

**7:00P.M. – CHITTENANGO DOLLAR GENERAL: (1458 ROUTE 5 WEST, 48.-1-28.11)
PROPOSING 36 PARKING SPACES ONLY FROM THE REQUIRED 109
PARKING SPACES.**

John Mastronarot from Griffiths Engineering appeared before the Board to discuss a proposed 10,640 sq.ft. Dollar General store on Route 5. The Applicant is seeking a variance to allow for a proposed 36 parking spaces where 109 spaces are required by the zoning law. He read a letter from Dollar General that only 36 parking spaces are needed based upon past Dollar General experience and standard store development and the NYS storm water design review prefers less impervious surface coverage where possible. Member Keville said this is a substantial variance of 66% and concerned about where they will put snow. He gave example of the snow across the road of 2 rows of large snow banks. Mr. Mastronarot stated snow storage would be located in lawn area to the west of the parking lot.

Jason Lang also appeared representing the developer and indicated that the applicant can provide a snow storage area. He also stated that typically Dollar General sites only have 9 to 12 cars in parking lots at one time, and 36 spaces is sufficient. He stated more spaces would be more pavement and impervious coverage for stormwater management purposes. Member Bendixen asked for data on where and how they came up with the parking estimate is concerned with the 66% variance which is incredibly substantial, the precedent it sets and how much wind blows in this area regarding the snow storage issue. Mr. Lang has studied sites in New Jersey, parking spots have never been above 30 but proposed 36 for this site. The Dollar General standard parking layout is usually 30 spaces on highly traffic roads.

Chairman Durfee discussed the impact of character to the neighborhood as the other three office buildings in the same area have more green space with nice landscaping. Member Manning pointed out these buildings have green space facing the road versus parking lots. Mr. Lang stated they would provide landscaping between the building and Route 5, there is a drainage ditch 30 feet off the road so they would have about 17 feet for landscape area.

Member Keville questioned the path of trucks in and out. A map was shown and Mr. Lang said the drive isle is wide, Dollar General has delivery truck once a week and it will be easier for any box trucks to go to the back.

The Madison County Planning Board returned the application for Local Determination.

Building/Codes Inspector Larry Ball confirmed the 300 feet zoned business. The Town of Sullivan Planning Board sees no adverse Town-wide impact in granting this request. There are other issues that will be addressed by the Planning Board during the Special Use Permit process.

Jason Lang said if parking not approved site would not happen otherwise will go to the Planning Board for further approvals. Member Bendixen would like to see copies of DEC letter, DOT traffic study, Dollar General letter, and data from other stores. Chairman Durfee stated the Board has 60 days to make a decision.

No one spoke for or against the application and the public hearing was closed at 7:25 P.M.

MARK SAMPO: AREA VARIANCE (2449 WILSON POINT RD., 5.78-1-27) SIX FOOT FENCE RIGHT SIDE OF PROPERTY.

Mark Sampo appeared before the Board requesting a variance to allow for a 6' high fence along his side yard and the fence would be 36 feet in length. He read a letter of intent for the proposed fence and stated it would be 60 to 70 feet from water edge. Member Bendixen asked if the back of fence toward road would obstruct the few of the last 2 houses. Mr. Sampo said no as the fence would not even be to the back side of his house. The section of fence is for a wide-open area where there are no trees. He will not be removing other trees that are right on the property line. Member Reals asked for the exact location of fence as he was concerned with being closer to lake than the existing gazebo.

Pauline Everleigh from 2451 Wilson Point Rd. appeared stating that a 6 or 8 ft. fence would destroy property values and would be undesirable and unwelcome. The trees are already one foot into Mr. Sampo's property and they trimmed all but one foot that was on their property, the previous owner put the trees on the property line and are overgrown. Mr. Sampo stated that the fence would be in between his house and the trees.

Daniel Dowd from 2443 Wilson Point Rd. stated there are 11 people on this road, he is concerned with more fences being applied for as there are only two at this time. He is also concerned with views of the lake and height of fence, feels 4 foot is sufficient and he lives there because of lake views.

Maureen Sweeney from 2447 Wilson Point Rd. told the Board that from her deck she can see the lake and area in question. She is fine with this fence as long as she can still see, she showed pictures on her phone to the Board and has no concerns with height.

Building/Codes Inspector Larry Ball said fence as drawn is 11 feet off corner of gazebo toward the road.

Member Keville asked about taking down all the trees and putting up a 2 ft. fence. Mr. Sampo said to take the trees down would cost thousand of dollars and the remaining trees are still alive.

The Madison County Planning Board returned the application for Local Determination.

The Town of Sullivan Planning Board would suggest that some alternative to this proposal be discussed.

No one else spoke for or against the application and the public hearing was closed at 7:45 P.M

OLD BUSINESS

CHITTENANGO DOLLAR GENERAL: (1458 ROUTE 5 WEST, 48.-1-28.11) PROPOSING 36 PARKING SPACES ONLY FROM THE REQUIRED 109 PARKING SPACES.

The Board discussed the application, the other nice properties in the area and the variance for parking would impact the character of the neighborhood, stated that the other parking lots are up on the hill, this is a busy spot, not the same type of area as New Jersey and this can be a windy area especially with winter snow. The Board would like to see evidence regarding the standard parking layout and numbers not just conclusory statements and would feel more grounded in making a decision with that information.

Attorney Richard Andino gave a copy of the SEQR Part 2 –Impact Assessment form to each Board member as this is an unlisted determination for SEQR. They discussed the questions and Member Keville made a motion to table the decision until the requested information is received, seconded by Member Manning and unanimously passed.

MARK SAMPO: AREA VARIANCE (2449 WILSON POINT RD., 5.78-1-27) SIX FOOT FENCE RIGHT SIDE OF PROPERTY.

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variance addressing each of the factors for approval or denial of the application. The proposed fence will be within the sight lines of existing homes. Less than half of the fence will be in the front yard and adding 2 feet to make a 6 ft. fence is not substantial. The fence will not block any lake views. The fence is replacing trees that were damaged by the neighbor.

This application was declared by the Board to be a Type II Action with Negative Declaration for SEQR, thus concluding the environmental review process for this matter.

A motion was duly made by Member Bendixen, seconded by Member Manning that the benefit to the applicant does outweigh any detriment to the neighborhood and the Board voted 4 Aye to 1 Nay. The variance was approved granting 2 feet of relief for a 6 ft. fence on the right side of property. The fence must begin 11 feet from the South East corner of the existing gazebo, good side of fence to face the neighbor and the fence to be a minimum of one foot off the property line. The Board reasoned that no undesirable change would occur in the neighborhood because the fence lines up with the house and does not block Lake views; there was feasible alternative but removing the existing trees and planting new ones would be cost prohibitive; 2' of relief in the side yard is not substantial and the fence length is limited in nature; no adverse environmental impacts as the fence would not impede lake views; and although the hardship is self-created it is not a determining factor.

APPROVAL OF MINUTES

A motion was duly made by Member Keville, seconded by Member Reals and unanimously passed by the Board approving the minutes of October 14, 2021.

ADJOURNMENT

A motion was duly made by Member Keville, seconded by Member Bendixen and unanimously passed to adjourn the meeting at 8:45 P.M.

Respectfully Submitted
Jeri Rowlingson, Secretary